

PATENT
Attorney Docket No.: SHIM1100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Asakawa and Hasegawa
Application No.: 09/762,641
I.A. Filing Date: August 10, 1999
Title: RNA VIRUS VECTOR WITH CONTACT INFILTRATION CAPABILITY

Art Unit: 1636
Examiner: D. Guzo
Conf. No.:

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION MAILED MARCH 22, 2005

Sir:

In response to the Notification mailed March 22, 2005, enclosed are:

1. One (1) copy of the Notification mailed March 22, 2005 (2 pages);
2. One (1) copy of the English Translation of International Application PCT/JP99/04333 including Description (21 pages), Claims (3 pages), Abstract (1 page), Drawings (9 pages) and Sequence Listing (2 pages); and
3. Return Receipt Postcard.

<p style="text-align: center;">CERTIFICATION UNDER 37 CFR §1.10 "EXPRESS MAIL" Mailing Label Number: <u>EV 627 501 903 US</u> Date of Deposit: <u>April 1, 2005</u></p>	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450.</p>	
<p>TRUDY GEROVSKE (Name of Person Mailing Paper)</p>	
<p> (Signature) April 1, 2005 (Date)</p>	

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Legal Staff
International Division

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In re Application of:
Asakawa and Hasegawa
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Page 2

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Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows.

	Number Filed	Number Extra	Rate		Fee	
			Small Entity	Large Entity	Small Entity	Large Entity
Total Claims	8-20	= 0	X \$25	\$50	= \$.00	\$.00
Independent Claims	2-3	= 0	X \$100	\$200	= \$.00	\$.00
Multiple Dependent Claims Presented:	Yes <input checked="" type="checkbox"/> No		\$180	\$360	\$.00	\$.00
BASIC FEES					[\$ 500.00]	
SURCHARGE FEE					[\$ 65.00]	
TOTAL FEE					\$.00	

No fee is deemed necessary in connection with the filing of this paper. However, if a fee is required, the Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Date: April 1, 2005

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MAR 25 2005

PATENT DOCKETING

In re Application of
Makoto ASAKAWA et al. MAR 25 2005 :
Application No.: 09/762,641 : NOTIFICATION
PCT No.: PCT/JP99/04333 DLA PIPER :
International Filing Date: 10 August 1999 :
Priority Date: 11 August 1998 :
For: RNA VIRUS VECTOR HAVING CONTACT :
INFILTRATION CAPABILITY

This application is before the Office of PCT Legal Administration for matters pertaining to 35 U.S.C. 371.

BACKGROUND

On 10 August 1999, applicants filed international application PCT/JP99/04333 claiming priority to an earlier application filed 11 August 1998. A copy of the international application was timely communicated to the United States Patent and Trademark Office by the International Bureau. A DEMAND for international preliminary examination, in which the United States was elected, was filed on 18 February 2000. Accordingly, the thirty month period for paying the basic national fee in the United States of America expired at midnight on 12 February 2001 (11 February 2001 being a Sunday).

On 08 February 2001, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States under 35 U.S.C. 371, accompanied by, *inter alia*, the required basic national fee.

On 17 April 2001, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating that a translation of the application into English, the processing fee under 37 CFR 1.492(f), an oath or declaration under 37 CFR 1.497(a) and (b), and the surcharge under 37 CFR 1.492(e) were required.

On 20 July 2001, applicants filed a RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. §371 which included, *inter alia*, the required processing fee and surcharge, a combined declaration and power of attorney, and an English translation of the international application.

On 04 October 2001, the DO/EO/US mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 AND 1.495 (Form PCT/DO/EO/903) indicating a date under 35 U.S.C. 371 of 20 July 2001.

DISCUSSION

A review of the application reveals that the translation of the international application is defective. Specifically, the applicants have not provided a translation of the entire international application as filed because figures 1-6 and 9 include Japanese characters. Applicants' RESPONSE filed 20 July 2001 only contained a translated description, claims, and abstract.

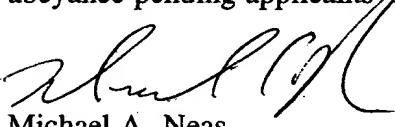
CONCLUSION

For the reasons stated above, the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 AND 1.495 (Form PCT/DO/EO/903) mailed on 04 October 2001 is hereby VACATED.

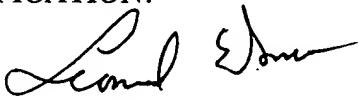
Applicants are hereby afforded TWO (2) MONTHS from the mailing date of this NOTIFICATION to submit a complete translation on the international application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicants' amendments/communications filed 27 March 2003 and 12 August 2003 are acknowledged. However, further action by the examiner on this application is held in abeyance pending applicants' response to this NOTIFICATION.


Michael A. Neas
PCT Special Program Examiner
Office of PCT Legal Administration

Telephone: 571-272-3289
Facsimile: 571-273-0459


Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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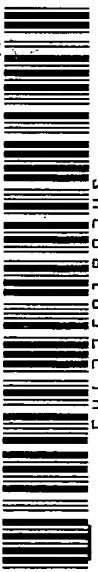
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